

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BARRY J. HENRY

Appeal No. 2001-2205
Application 09/228,987

ON BRIEF

Before ABRAMS, FRANKFORT, and STAAB, Administrative Patent Judges.

FRANKFORT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 7, and from the examiner's refusal to allow claims 11 and 15 through 17 as amended subsequent to the final rejection in a paper filed March 26, 2001 (Paper No. 12). Claims 8 through 10, the only other claims remaining in the application, have been withdrawn from consideration by the examiner as being directed to a non-elected invention. Claims 12 through 14 have been canceled.

Appellant's invention relates to an apparatus for facilitating a physician's arthroscopic examination of a patient's joint and, more particularly, to an apparatus which will permit a physician to carefully and precisely manipulate the joint during arthroscopic examination and surgery. As shown in the application drawings, the apparatus includes a flexible wrap (22) on the patient's limb (lower leg) carrying one component of a hook and loop fastener on its outer surface and a surgical gown or apron (70) worn by the surgeon carrying the other cooperating fastener component on its outer surface. With the cooperating fastener components joinable by pressure, the surgeon can easily affix the limb to his gown or apron and via his body motions facilitate joint (knee) manipulation as desired during arthroscopic examination and/or surgery. Independent claims 1, 11 and 15 are representative of the subject matter on appeal and a copy of those claims, as reproduced from the Appendix to appellant's brief, is attached to this decision.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Hubbard et al (Hubbard)	4,787,381	Nov. 29, 1988
Johnson	5,358,470	Oct. 25, 1994
Sosebee	5,816,253	Oct. 6, 1998

Appeal No. 2001-2205
Application 09/228,987

Claims 1, 2, 3 and 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sosebee.

Claims 1 through 5 and 15 through 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Johnson.

Claim 11 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hubbard.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Johnson.¹

Rather than attempt to reiterate the examiner's full commentary with regard to the above-noted rejections and the conflicting viewpoints advanced by the examiner and appellant regarding those rejections, we make reference to the final rejection (Paper No. 8, mailed October 25, 2000), the examiner's answer (Paper No. 16, mailed August 7, 2001) and the supplemental

¹ The 35 U.S.C. § 101 rejection of claim 15 set forth on page 3 of the final rejection has been withdrawn (answer, page 2). In addition, the rejection of claim 2 under 35 U.S.C. § 112, second paragraph, was withdrawn by the examiner in the advisory action mailed April 5, 2001 (Paper No. 13).

examiner's answer (Paper No. 20, mailed November 16, 2001) for the reasoning in support of the rejections, and to appellant's brief (Paper No. 15, filed April 20, 2001) and reply brief (Paper No. 18, filed September 25, 2001) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by appellant and the examiner. As a consequence of our review, we have made the determinations which follow.

Turning first to the examiner's rejection of claims 1, 2, 3 and 5 under 35 U.S.C. § 102(e) based on Sosebee, we note that Sosebee discloses a surgical apron (10) for use by a doctor when operating on or examining the perineal regions of a patient (i.e., the region of the body between the thighs, at the outlet of the pelvis, specifically, the area between the anus and the vulva in a female or between the anus and the scrotum in a male), while the patient is in a lithotomy position on a surgical table (Fig. 3). As best seen in Figure 4, the edge (14) of the apron

closest to the patient is securable to the patient covering (30) by mating strips of hook and loop material. The doctor's edge (16) of the apron is securable to the doctor's medical garb by hook and loop fasteners and also to the doctor by a flexible fabric tie (17). As is evident from Figure 3, the apron forms a sheet-like work surface between the patient and the doctor to be used by the doctor for holding and supporting instruments, etc., during the surgical procedure.

According to the examiner, the apron (10) of Sosebee is readable as appellant's surgical garment to be worn by a surgeon and the patient covering (30) therein is readable as the pliable wrap member for a limb of the patient. In the examiner's view, the covering (30) is capable of being on a limb by wrapping the limb with the member (30) and tying edges of the member together. The examiner further urges that the members (10) and (30) in Sosebee each have pressure sensitive surfaces engaging each other (Fig. 4) and opines that the members are inherently capable of permitting affixing of the patient's limb in a plurality of positions on the surgical apron for careful manipulation of the joint by the surgeon. Concerning the preamble language of claim

1, the examiner urges that the preamble merely recites the intended use of the structure therein and that the body of the claim does not depend on the preamble for completeness since the structural limitations are able to stand alone.

Appellant argues that the perineal apron and sheet-like patient covering of Sosebee are unrelated to orthopedics, to arthroscopic surgery, or the manipulation of a patient's joint for visual examination. In that regard, appellant focuses on the preamble of claim 1 as a limitation and urges that the examiner has improperly failed to accord the preamble any patentable weight.

We agree with appellant. After considering the entirety of appellant's disclosure and arguments to gain an understanding of what the inventor actually invented and intended to encompass by the appealed claims, we are of the view that the preambular recitations in independent claim 1 do more than merely state a purpose or intended use of the claimed structure, but instead serve to provide a definition of the invention and give "life and meaning" to the claimed subject matter such that it must

therefore be considered as a positive limitation in determining patentability. See Corning Glass Works v. Sumitomo Electric U.S.A. Inc., 868 F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989) and Diversitech Corp. v. Century Steps Inc., 850 F.2d 675, 7 USPQ2d 1315 (Fed. Cir. 1988).

Moreover, we consider that the preamble language and recitations related thereto in the body of claim 1 on appeal would have been understood by one of ordinary skill in the art as reasonably restricting the size of the "pliable wrap member for a limb of the patient" set forth therein. That is, the recited wrap member would have been viewed as being of a relatively small size like that seen in Figures 4 and 6 of the application drawings, as being easily and quickly applied to the limb of the patient in a close fitting manner and as permitting the patient's limb to be quickly and easily affixed to the surgeon's gown or apron and then manipulated in a manner desired for arthroscopic examination and surgery of the associated joint. By contrast, we do not view the large, sheet-like patient covering or drape (30) seen in Sosebee as being such a "wrap member for a limb of the patient." Indeed, we find it highly speculative on the

examiner's part that such a large, sheet-like drape would be capable of being wrapped on a patient's limb and of then being affixed to the surgeon's gown or apron in a plurality of positions to facilitate the careful, precise manipulation of the joint by the surgeon necessary during arthroscopic examination and surgery, as required in appellant's claim 1.

The examiner's position (answer, page 6) that Sosebee "inherently discloses every functional limitation in the claims" on appeal is without foundation. In this regard, we note that it is well settled that inherency may not be established by probabilities or possibilities, but must instead be "the natural result flowing from the operation as taught." See In re Oelrich, 666, F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981). As we pointed out above, in the present case, neither the Sosebee patent nor the examiner provides an adequate factual basis to establish that the natural result flowing from following the teachings of that patent would be an apparatus like that claimed by appellant and which is capable of functioning in the manner claimed.

Thus, we will not sustain the examiner's rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Sosebee. It follows that the examiner's rejection of claims 2, 3 and 5 under 35 U.S.C. § 102(e) based on Sosebee, which claims depend from claim 1, also will not be sustained.

We next look to the examiner's rejection of claim 11 under 35 U.S.C. § 102(b) as being anticipated by Hubbard. Claim 11 reads as follows:

11. A flexible material for controlling the positioning of a patient's limb and for restricting swelling and the pooling of fluids in the limb resulting from surgery, said material comprising:

a) an elongated strip of stretchable, elastic material adapted to be wrapped about the limb to constrict its size and to restrict swelling and pooling of fluids in the limb; and

b) said strip having a pressure sensitive surface for fixation to another surface for controlling the position of the limb, and a tab having a hook surface which is affixed to said strip for engaging said pressure sensitive surface and maintaining it in a stretched, restricting position about a patient's limb.

In the examiner's opinion, Hubbard discloses a flexible material comprising an elongated elastic strip (16) adapted to be wrapped about a limb to constrict its size and capable of

restricting swelling and pooling of fluids in the limb, the flexible material further including a pressure sensitive surface (30) of loop material for fixation to another surface for controlling the position of the limb and a tab (24) having a hook surface which is affixed to the strip for engaging the loop material and maintaining the strip in a stretched, restricting position about a patient's limb. The examiner asserts that the Hubbard reference explicitly discloses every structural limitation of the claim and inherently discloses every functional limitation recited in the claim.

Hubbard actually discloses a body wrap or abdominal binder securable about the torso (12) of a person. The wrap is used after abdominal surgery to wrap the torso of a patient and provide constraint for restricting expansion of the torso so that a wound or sutured incision in the abdomen is prevented from reopening. The wrap includes an elastic section (16) that is laterally stretchable to provide the needed constraint, while at the same time providing sufficient expansion for allowing the patient to breathe. The wrap further includes a Velcro hook-like material section or tab (24) joined to one edge of the

stretchable panel (16) and a large brushed pile material section (28) having loops (30) on the outer surface thereof joined to the opposite edge of the panel (16).

As noted in column 3, line 54, *et seq.*, in applying the abdominal wrap of Hubbard around a patient, the elastic section (16) is first placed against the portion of the patient's torso to be secured, then the large brushed pile section (28) and the hook-like fastening section (24) are wrapped around the patient's torso and pulled tight. The hook-like fastening material is then pressed onto the loop members of the brushed pile section and the wrap secured in position. The tightness of the binder can be adjusted simply by pulling the engaging hook-like fastening material apart from the brushed pile loop material (30) and reengaging the sections together with the desired stretch in the stretchable panel (16). As indicated in column 3, lines 19-27, to facilitate the above use, the abdominal wrap is preferably about forty-eight inches long (laterally) and twelve inches wide (vertically). The large pile section (28) has a lateral

dimension of about thirteen inches, the elastic panel (16) has a lateral dimension of about thirty-two inches, and the hook-like fastening section (24) has a lateral dimension of about three inches.

An anticipation under 35 U.S.C. § 102(b) is established when a single prior art reference discloses, either expressly or under principles of inherency, each and every element or limitation of a claimed invention. See In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) and RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). In the present case, after a careful review of the teachings of the Hubbard patent, we cannot agree with the examiner that the abdominal wrap disclosed in Hubbard is fully responsive to, and thereby anticipates, the structure defined in appellant's claim 11 on appeal. More specifically, we find that appellant's claim 11 imposes a size limitation on the flexible material wrap defined therein that is not taught in Hubbard.

Appellant's flexible material wrap is "for controlling the positioning of a patient's limb and for restricting swelling and the pooling of fluids in the limb resulting from surgery." To that end, the elongated strip of stretchable, elastic material is "adapted to be wrapped about the limb to constrict its size and to restrict swelling and pooling of fluids in the limb." The pressure sensitive surface of the strip and the tab on the strip having a hook surface are engageable for "maintaining it (the strip) in a stretched, restricting position about a patient's limb." A "limb" in the context of appellant's application is obviously an arm or leg of a human patient and is clearly of a relatively small size (i.e., diameter and circumference) as compared to the torso of a patient.

When we look to the abdominal wrap of Hubbard, we find a device that is sized to be applied around a patient's torso and to apply a constricting force thereto, i.e., a device about forty-eight inches in length. Contrary to the examiner's conclusion, because of its relatively large size and specific manner of construction, we do not believe that the abdominal wrap of Hubbard is "adapted to be wrapped about a limb to constrict its size and capable of restricting swelling and pooling of

fluids in the limb," or that it includes a cooperating pressure sensitive surface of loop material and a tab having a hook surface which is "affixed to said strip for engaging said pressure sensitive surface and maintaining it [the strip] in a stretched, restricting position about a patient's limb," as set forth in appellant's claim 11.

If the abdominal binder of Hubbard were to be wrapped on a patient's limb as urged by the examiner, it appears to us that the approximately thirteen inch long brushed pile material section (28) would be wrapped about the limb first and then covered by multiple wrappings of the thirty-two inch long elastic panel section (16) and then by the three inch long hook-like fastening section (24), with the end result being that the loop material of section (28) would be entirely covered by several layers of the elastic panel section wrapped thereon such that the hook-like fastening section would have nothing to adhere to and thereby create a force on the limb necessary to constrict its size and to restrict swelling and pooling of fluids in the limb, as in claim 11 on appeal. Thus, do we see that the abdominal wrap

of Hubbard would include a pressure sensitive surface of the strip and a tab on the strip having a hook surface which are engageable for maintaining the strip in a stretched, restricting position about a patient's limb, as in claim 11 on appeal.

Again we find that the examiner's assertion that the applied patent "inherently discloses every functional limitation recited in the claims" is without foundation in the applied prior art reference and that the examiner has not otherwise established that the natural result flowing from following the teachings of the Hubbard patent would be an apparatus like that claimed by appellant and which is capable of functioning in the manner defined in appellant's claim 11 on appeal. Thus, we will not sustain the examiner's rejection of claim 11 under 35 U.S.C. § 102(b) as being anticipated by Hubbard.²

In rejecting claims 1 through 5 and 15 through 17 under 35 U.S.C. § 102(b) based on Johnson, the examiner urges that this patent discloses a pliable wrap (10) for a limb, a surgical wrap

² Like appellant (reply brief, page 5), it is our view that U.S. Patent No. 4,573,482 to J. Webster Williams, Jr. is perhaps the most pertinent of the patents of record in this application.

or garment (4) capable of being worn by a surgeon and having at least one cooperating surface member with a pressure sensitive surface (12), and a pressure sensitive surface (34) on the wrap (10) for affixing the patient's limb to a plurality of positions on the garment or wrap (4). Concerning claims 4 and 15 on appeal, the examiner notes that the wrap member (10) of Johnson is said to have elastic properties (col. 1, lines 60-64 and col. 4, lines 20 and 35). With respect to the preamble recitations directed to "arthroscopic examination of a patient's joint" and the surgeon's manipulation of the joint to facilitate adequate visualization of the intra-articular structures of the joint, the examiner states that such language has "not been given patentable weight" because the claims are drawn to structure and the portion of the claims following the preamble are a self-contained description of the structure not depending for completeness upon the introductory clause (supplemental answer, page 4). The examiner has additionally determined that Johnson explicitly discloses every structural limitation of the rejected claims and inherently discloses every functional limitation recited in the claims.

While we recognize that the structure found in Johnson is not used in the manner set forth in appellant's claim 1, we share the examiner's view that the apparatus in Johnson is structurally the same as and fully responsive to that set forth in claim 1 on appeal and is clearly capable of being used in the manner defined therein. In this regard, the examiner has expressed the view that appellant is attempting to hinge patentability of the device on mere intended use and has pointed out that our Courts of review have repeatedly indicated that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the structural limitations of that claimed. See, for example, In re Yanush, 474 F.2d 958, 959, 177 USPQ 705, 706 (CCPA 1973); In re Finsterwalder, 436 F.2d 1028, 1032, 169 USPQ 530, 534 (CCPA 1971); In re Casey, 370 F.2d 576, 580, 152 USPQ 235, 238 (CCPA 1967); and In re Otto, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). Accord for this proposition is found in In re Schreiber, 128 F.3d at 1477 44 USPQ2d at 1431, wherein the Court noted that "it is well settled that the recitation of a new intended use for an old product does not make a claim to that old product patentable."

Although we have considered the preamble of claim 1 and the language related thereto in the body of the claim in evaluating the apparatus defined therein, we consider that the "functional" recitations in appellant's claim 1 on appeal essentially set forth the intended use of the device defined therein and that such functional recitations do not require any particular structure of the apparatus in addition to that taught in Johnson. That is, Johnson clearly discloses an apparatus comprising a) a pliable wrap member (10) for a limb of a patient, b) an abdominal harness member (4) sized and "adapted to be worn by a surgeon" and having at least one cooperating surface member (12), and c) said members having pressure sensitive surfaces (e.g., 34 on wrap (10) and (12) on the harness (4)) for engaging one another and for affixing the patient's limb to a plurality of positions on the harness. Thus, it is our opinion that all of the structure set forth in claim 1 on appeal is found in Johnson. Moreover, we are in agreement with the examiner's position that the apparatus of Johnson is fully capable of being used in the manner required in claim 1 on appeal and thereby anticipates the structure of the apparatus defined in claim 1, notwithstanding that Johnson

Appeal No. 2001-2205
Application 09/228,987

relates to an entirely different field of endeavor than that of the claimed invention and may be directed to an entirely different problem from the one addressed by appellant in the present case.

As for appellant's arguments concerning the functional claim language and the need to consider such language in applying prior art, we point to the statement by the Court in Schreiber, 128 F.3d 1478, 44 USPQ2d at 1432, that

A patent applicant is free to recite features of an apparatus either structurally or functionally. See *In re Swinehart*, 439 F.2d 210, 212, 169 USPQ 226, 228 (CCPA 1971) ('[T]here is nothing intrinsically wrong with [defining something by what it does rather than what is] in drafting patent claims.'). Yet, choosing to define an element functionally, i.e., by what it does, carries with it a risk. As our predecessor court stated in *Swinehart*, 439 F.2d at 213, 169 USPQ 228:

where the Patent Office has reason to believe that a functional limitation asserted to be critical for establishing novelty in the claimed subject matter may, in fact, be an inherent characteristic of the prior art, it possesses the authority to require the applicant to prove that the subject matter shown to be in the prior art does not possess the characteristic relied on. See also *In re Hallman*, 655 F.2d 212, 215, 210 USPQ 609, 611 (CCPA 1981); *In re Ludtke*, 441 F.2d 660, 663-64, 196 USPQ 563, 565-567 (CCPA 1971).

In this case, as in Schreiber, we have considered the functional limitations of the claims on appeal and agree with the examiner that they relate to intended use of the claimed device, that they do not lend patentable weight to the presently claimed subject matter and that such limitations are in fact inherent characteristics of the apparatus in Johnson.

With regard to claims 2, 3 and 5, which depend from claim 1, we note that appellant has not presented separate arguments for the patentability of these claims and thus we consider them to fall with independent claim 1.

Dependent claim 4 and independent claim 15 on appeal each set forth a requirement that the pliable wrap member of appellant's invention have elastic properties which specifically permit the wrap to constrict the patient's limb or restrict its size to thereby limit the pooling of blood and liquids in the limb during examination. While the examiner has asserted that the wrap member or wrist support (10) of Johnson as seen in Figure 1 thereof is capable of being wrapped on a patient's limb and of restricting the limb to avoid pooling of blood and liquid

in the limb and swelling, due to the compressive, elastic quality of the wrap member (supplemental answer, pages 10-11), we do not share that view.

As described and shown by Johnson in Figure 1, the member (10) is merely a support for the wrist and, to that end, is constructed of an elastic fabric webbing (30) with strips of VELCRO fastener material (32, 34) secured to opposite end edges thereof "to form a cylindrical support which wraps about the wrist and forearm" (col.4, lines 19-23). The elastic nature of the support in Johnson is specifically described (col. 4, lines 34-38) as merely providing a "slight degree of stretch" and as facilitating normal body movement while preventing release of the fastener material (34) from the belt (4). Given its construction, it does not appear to us that the wrist support (10) of Johnson would be capable of being wrapped on a patient's limb and secured so as to constrict or restrict the size of the limb to avoid pooling of blood and liquid in the limb and to thereby avoid swelling, as is urged by the examiner. The examiner's conclusion in this regard is unsupported by the Johnson reference and is based entirely on speculation and conjecture.

In the final analysis, we find that the examiner's assertion that the applied patent "inherently discloses every functional limitation recited in the claims" is without foundation in the applied reference and that the examiner has not otherwise established that the natural result flowing from following the teachings of the Johnson patent would be an apparatus like that claimed by appellant and which is capable of functioning in the manner defined in appellant's claims 4 and 15 through 17 on appeal. Thus, we will not sustain the examiner's rejection of those claims under 35 U.S.C. § 102(b) as being anticipated by Johnson.

The last of the examiner's rejections on appeal is of claims 6 and 7 under 35 U.S.C. § 103 over Johnson. In this instance, appellant has not taken issue with the examiner's use of official notice and assertion of obviousness in concluding that one of ordinary skill in the art would have found it obvious to interchangeably use either hook or loop material on one or the other of the members (4) and (10) of Johnson for securing the members together as provided for in that reference. Instead, appellant's argument centers on the preamble language relating to arthroscopic examination and an assertion that Johnson provides

no disclosure of any surface member adapted to be carried by a surgeon. We have dealt with appellant's argument regarding the preamble recitations in our determination above regarding claim 1 on appeal and we remain of the view that the functional and use limitations set forth in the preamble and body of that claim do not impose any structural limitation on the apparatus defined in appellant's claims 1 and 5 through 7 that are not also present in the apparatus of Johnson.

With particular regard to appellant's assertion that Johnson provides no disclosure of any surface member adapted to be carried by a surgeon, we must agree with the examiner that the adjustable length abdominal wrap or harness (4) of Johnson is clearly "adapted to be worn by a surgeon" performing an arthroscopic examination. While Johnson does not describe such a use of the apparatus therein, we have concluded that the structure seen in Johnson is fully capable of the use set forth in appellant's claims 1 and 5 through 7 on appeal. We are not here dealing with a method claim for using an apparatus like that defined in claims 1 and 5 through 7 on appeal, but with claims directed to the apparatus itself. In this case, Johnson discloses an apparatus (i.e., the wrist wrap (10) and

harness/garment (4)) that is structurally the same as that broadly defined in the claims on appeal and which clearly has the capability of being used in the manner set forth in those claims. Thus, appellant's arguments are not persuasive of error in the examiner's rejections of claims 1 and 5 through 7 on appeal. Accordingly, the rejection of claims 6 and 7 under 35 U.S.C. § 103 based on Johnson will be sustained.

As was made clear in In re Schreiber, 128 F.3d at 1477, 44 USPQ2d at 1431, by choosing to define an element functionally as in appellant's claim 1 on appeal, appellant assumes a risk, that risk being that where the Patent and Trademark Office has reason to believe that a functional limitation asserted to be critical for establishing novelty in the claimed subject matter may, in fact, be an inherent characteristic of the prior art, it possesses the authority to require the applicant to prove that the subject matter shown to be in the prior art does not possess the characteristic relied upon. In the present case, appellant has provided no evidence to prove that the device in Johnson is not capable of being used in the manner set forth in claim 1 on appeal.

Appeal No. 2001-2205
Application 09/228,987

In summary, the examiner's rejection of claims 1, 2, 3 and 5 under 35 U.S.C. § 102(e) as being anticipated by Sosebee has been reversed, as has the rejection of claim 11 under 35 U.S.C. § 102(b) based on Hubbard. However, the examiner's rejection of claims 1, 2, 3 and 5 on appeal under 35 U.S.C. § 102(b) based on Johnson has been sustained, as has the rejection of claims 6 and 7 under 35 U.S.C. § 103 based on Johnson. The examiner's rejection of claims 4 and 15 through 17 under 35 U.S.C. § 102(b) based on Johnson has not been sustained.

In light of the foregoing, the decision of the examiner is affirmed-in-part.

Appeal No. 2001-2205
Application 09/228,987

No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

AFFIRMED-IN-PART

NEAL E. ABRAMS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
CHARLES E. FRANKFORT)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
LAWRENCE J. STAAB)	
Administrative Patent Judge)	

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Appeal No. 2001-2205
Application 09/228,987

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APPENDIX

1. An apparatus for facilitating a physician's arthroscopic examination of a patient's joint and careful, precise manipulation of the joint by the surgeon so as to open and close the various compartments of the joint while permitting adequate visualization of the intra-articular structures, said apparatus comprising:

- a) a pliable wrap member for a limb of the patient;
- b) a surgical garment having at least one cooperating surface member adapted to be worn by a surgeon performing the arthroscopic examination, and
- c) said members having pressure sensitive surfaces for engaging one another and for affixing the patient's limb to a plurality of positions on the garment for careful manipulation of the joint by the surgeon.

11. A flexible material for controlling the positioning of a patient's limb and for restricting swelling and the pooling of fluids in the limb resulting from surgery, said material comprising:

- a) an elongated strip of stretchable, elastic material adapted to be wrapped about the limb to constrict its size and to restrict swelling and pooling of fluids in the limb; and
- b) said strip having a pressure sensitive surface for fixation to another surface for controlling the position of the limb, and a tab having a hook surface which is affixed to said strip for engaging said pressure sensitive surface and maintaining it in a stretched, restricting position about a patient's limb.

15. An apparatus for facilitating examination and manipulation of a patient's joint so as to open and close the various compartments of the joint while permitting adequate visualization of the intra-articular structures, said apparatus comprising:

a) an elastic member stretchably wrapping a limb of a patient and restricting its size to avoid pooling and swelling thereof;

b) a garment adapted to be worn by a surgeon having a cooperating surface member adapted to be joined to said elastic member for positioning of said limb;

c) said members having a pressure sensitive surfaces [sic] for engaging and affixing the patient's limb to a plurality of positions on the garment adapted to be worn by the surgeon for manipulation of the limb by the surgeon.